

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

DURAN J ELDER,	:	
Petitioner,	:	
	:	
v.	:	Case No. 3:20-cv-29 (CAR) (CHW)
	:	
TIMOTHY C WARD,	:	
Respondent.	:	
	:	
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ORDER

Duran J. Elder, a Section 2254 petitioner, has filed a document titled “demand to arrest judgment.” (Doc. 33). The Clerk of Court has construed Elder’s filing as a post-judgment motion.

The Court previously dismissed Elder’s Section 2254 petition as untimely without reaching the merits because (a) Elder’s state conviction became final in March 2018, (b) Elder waited until February 2020 to commence this federal habeas action, (c) a one-year limitation period applies, and (d) Elder’s improperly filed application for certificate of probable cause to appeal in his state habeas action did not toll the limitation period. *See* (Docs. 19, 23). The Court later also denied Elder’s motion for reconsideration of judgment. *See* (Docs. 27, 30).

Elder’s latest filing does not address the Court’s untimeliness ruling, and the filing offers no legal basis to reopen judgment. Instead, Elder’s filing simply demands that a “federal habeas writ must now ISSUE forthwith.” (Doc. 33). Because Elder’s filing seeks no clear judicial action, and because Elder gives no legal argument in favor of post-judgment relief, Elder’s motion is **DENIED**.

SO ORDERED, this 18th day of October, 2021.

s/ Charles H. Weigle _____
Charles H. Weigle
United States Magistrate Judge